



Law Department
Consolidated Edison Company of New York, Inc.
4 Irving Place, New York, N.Y. 10003

June 29, 2000

**BY FACSIMILE AND
AIRBORNE EXPRESS**

Mr. Paul F. Simon, Chief
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency - Region II
290 Broadway, 17th Floor
New York, NY 10007-1866

Mr. Thomas Budroe
Removal Action Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency - Region II
2890 Woodbridge Avenue
Edison, NJ 08837-3679

Re: Emergency Removal Action Program for BCF
Oil Refining, Inc. Site, Brooklyn, New York

Gentlemen:

On behalf of Consolidated Edison Company of New York, Inc. ("Con Edison"), I am responding to EPA's May 23rd CERCLA PRP notice and demand letter regarding the emergency removal action program needed to redress the threat of release posed by the significant quantities of regulated PCB-contaminated waste oil that were left in the product processing and storage tanks at the BCF Oil Refining, Inc. ("BCF") Site when that facility was closed down in June 1994.

Con Edison is not responsible for the elevated concentrations of PCBs present in the waste oil and other materials the BCF Site's tanks. As EPA is aware, that issue was litigated and decided in Con Edison's favor in the TSCA citizens' suit that BCF commenced against it in the United States District Court for the Southern District of New York in November 1994 [*BCF v. Con Edison, et al.*, 94 Civ. 8499 (CBM)].

Although Con Edison did not cause the PCB contamination at the BCF Site, it recognizes that some of its shipments to the BCF Site may have contained trace quantities of other CERCLA hazardous substances and may not have fallen within the ambit of

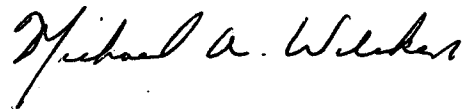
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CERCLA's petroleum exemption. Accordingly, Con Edison is willing to resolve whatever Superfund liability it may have for the costs of the emergency removal program for the BCF Site's tanks under a CERCLA § 122(g) de minimis contributor settlement. Considering the significant quantities of waste oil that were processed at the BCF Site during that facility's 15-year life, Con Edison is convinced that it qualifies for such a settlement.

Con Edison is willing to meet with you at your convenience to discuss this matter in greater detail. Please call Lawrence Menkes, Esq., of Con Edison's Law Department at (212) 460-2741, if you have any questions concerning this matter or wish to schedule a meeting to discuss Con Edison's settlement offer.

Very truly yours,

A handwritten signature in cursive script, reading "Michael A. Wilcken".

Michael A. Wilcken
Assistant General Counsel